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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LISAMARIA MARTINEZ,

Plaintiff,

v.

**COUNTY OF ALAMEDA, MELISSA
WILK**, in her individual capacity, **EVA HE**,
in her individual capacity, **MARIA LAURA
BRIONES**, in her individual capacity,

Defendants.

Case No. 3:20-cv-06570-TSH

**DECLARATION OF STEVEN CLARK IN
SUPPORT OF PLAINTIFF'S
STATEMENT OF FACTS AND
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT ON DECLARATORY
RELIEF**

Hearing Date: January 5, 2023
Hearing Time: 9:30am
Courtroom: by Zoom video conference
Judge: Hon. Thomas S. Hixson

I, Steven Clark, declare:

1. This declaration is based on my personal knowledge. I am competent to testify on the matters stated and declare that these items are true and accurate to the best of my knowledge and belief.

1 2. I am a principal owner and business partner of Adaptive Technology Services (“ATS”).
2 Since 2002, ATS has been consulting, evaluating, installing, and developing accessible
3 technology solutions for people who are blind and visually impaired.

4 3. I have been working with screen reader technology since the 1980s and was involved in
5 the early development of the product known as the JAWS screen reader. I am regularly hired to
6 consult on the accessibility of PDF forms for blind employees and members of the public,
7 including major consulting contracts with Fortune 500 businesses and several Departments of the
8 State of California. My work involves assessing the accessibility of software programs and PDF
9 forms and developing remediation, JAWS scripting or other methods of ensuring that blind
10 employees and members of the public have equal access to digital documents and information. A
11 copy of my curriculum vitae is attached as Exhibit A.

12 4. In December 2022 I was asked to review a current electronic version of the Fictitious
13 Business Name Statement (“FBNS”) form posted on the Alameda County Clerk Recorder’s
14 Office (“CRO”) website . The form is preserved at
15 [https://web.archive.org/web/20221209002203/http://acgov.org/forms/auditor/GBNS275-](https://web.archive.org/web/20221209002203/http://acgov.org/forms/auditor/GBNS275-321FictitiousBusinessNameStatement-REVIII422.pdf)
16 [321FictitiousBusinessNameStatement-REVIII422.pdf](https://web.archive.org/web/20221209002203/http://acgov.org/forms/auditor/GBNS275-321FictitiousBusinessNameStatement-REVIII422.pdf) and is also currently available at
17 [http://co.alameda.ca.us/forms/auditor/GBNS275-321FictitiousBusinessNameStatement-](http://co.alameda.ca.us/forms/auditor/GBNS275-321FictitiousBusinessNameStatement-REVIII422.pdf)
18 [REVIII422.pdf](http://co.alameda.ca.us/forms/auditor/GBNS275-321FictitiousBusinessNameStatement-REVIII422.pdf).

19 5. I performed my standard method of assessing the accessibility of the electronic FBNS to
20 test whether or not the form is accessible to a blind screen reader user who has no functional
21 vision for reading print. A report of my December 21, 2022 findings is attached hereto as Exhibit
22 B.

23 6. I tested using recent versions of the JAWS screen reader and Adobe Acrobat Pro and the
24 PDF viewers built into the Chrome and Edge web browsers.

25 7. Whether using a web browser or Adobe’s premium PDF application, I was unable to
26 successfully complete the form relying only on JAWS feedback. In both cases, JAWS would not
27 announce the label names of form elements or announce input into the edit boxes properly. While
28

1 JAWS will read some elements of the instructions on page 2, the form on page 1 cannot be
2 completed or filled out by a blind person with JAWS using non-visual means.

3 8. It is thus my opinion to a reasonable degree of professional certainty as an expert in
4 JAWS and screen reader accessibility, based on the facts presented and over 23 years of working
5 with JAWS, other screen readers and PDF content, and my testing in several environments, that
6 this FBNS form is not accessible under any professional standard. This FBNS form cannot be
7 independently completed by a blind person who needs non-visual access through screen reader
8 technology such as JAWS. The preceding observations are true no matter which screen reader or
9 PDF viewer might be used.

10
11
12 I declare under penalty of perjury that the foregoing is true and correct.
13
14

15 Executed on: December 22, 2022

DocuSigned by:
Steven Clark
1FB4FA93147D427...
Steven Clark